

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE: <b>EMANUEL GONZALEZ NIEVES</b>  XXX – XX – 7138  DEBTORS	CASE NO. 18-07215-BKT12  CHAPTER 12
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**RESPONSE TO MOTION TO DISMISS FILED BY THE CHAPTER 12 TRUSTEE ON  
MARCH 5, 2021 (DOCKET NO. 114)**

The above captioned Debtor, EMANUEL GONZALEZ NIEVES by and through the undersigned counsel, hereby submits the following Response to Chapter 12 Trustee Motion to Dismiss:

1. The Debtor filed the instant Chapter 12 bankruptcy petition on December 11, 2018 (Docket No.1)
2. On July 1, 2019, the Debtor filed his Amended Chapter 12 Plan dated July 1, 2019 (Docket No. 62). This Chapter 12 Plan was Supplemented as per Motion filed on September 10, 2019 (Docket No.79); and a Second Supplement was filed on September 11, 2019 (Docket No. 81). The Plan was confirmed with an additional Oral Amendment at the Confirmation Hearing held on December 4, 2019 (Minutes of Confirmation at Docket No, 95), and Order of Confirmation (Docket No. 96).

3. On March 5, 2021, the Chapter 12 Trustee, José Carrión filed a Motion to Dismiss (MTD).  
(See Docket No. 114). In its MTD the Trustee states that the Debtors have accrued arrears in the amount of \$6,720 in his Chapter 12 Plan payments.
4. The arrears were incurred because there was an error in the payments remitted by the milk processing plant Suiza Dairy Corp, to the Chapter 12 Trustee. The monthly payments that were being deducted from Debtor's production was less than the amount stated in the confirmed plan. This issue has been resolved and Suiza Dairy Corp has been informed that they have begun with the weekly deductions in the amount of \$410.00
5. The Debtor submitted a Post Confirmation Modification (PCM) of his Chapter 12 Plan on March 16, 2021 (Docket No. 115). This PCM resolves the arrears informed by the Chapter 12 Trustee in his MTD.

**WHEREFORE**, the Debtor requests that this Honorable Court denies the Motion to Dismiss filed by the Chapter 12 Trustee on March 5, 2021 and approves the proposed Post Confirmation Modification of Chapter 12 Plan ("PCM") included in Docket No. 115

**RESPECTFULLY SUBMITTED,**

In Mayaguez, Puerto Rico this March 16, 2021

Certificate of Service

We hereby certify that on this same date, we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants in this case and to non CM/ECF users as per attached Master Address List.

*/S/ Emanuel Gonzalez*

**ATTORNEY FOR DEBTORS**  
**/s/ Homel A. Mercado Justiniano**  
**USDC- PR - 229705**  
**Calle Malaga #75**

**Urb. Sultana**  
**Mayagüez, PR 00680**  
**Tel: (787) 831-3577**  
**Fax: (787) 805-7350**  
**Email: hmjlaw2@gmail.com**  
**hmjlaw@yahoo.com**